

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON BIRDTAIL, JR.,

Defendant.

CR-14-105-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on March 5, 2019. (Doc. 74.) The United States accused Jason Birdtail, Jr. of violating his conditions of supervised release by: (1) using marijuana; (2) consuming alcohol on two separate occasions; (3) failing to report for substance abuse testing; (4) failing to report for substance abuse treatment; (5) failing to report contact with law enforcement; and (6) committing another crime.

Judge Johnston entered Findings and Recommendations in this matter on March 6, 2019. (Doc. 78.) Neither party objected to Judge Johnston's Findings and Recommendations. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and

Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violations prove serious and warrant revocation of Birdtail's supervised release. Judge Johnston has recommended that the Court revoke Birdtail's supervised release and commit Birdtail to the custody of the Bureau of Prisons for a term of 8 months, followed by 14 months of supervised release. (Doc. 78 at 4.)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Birdtail's violations of his conditions represent a serious breach of the Court's trust. A sentence of 8 months custody, followed by 14 months of supervised release represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Amended Findings and Recommendations (Doc. 78) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Jason Birdtail, Jr. be sentenced to 8 months custody, followed by 14 months of supervised.

DATED this 1st day of April, 2019.



Brian Morris
United States District Court Judge